



House Journal

FIFTH SPECIAL SESSION, 2009

First Day

June 4, 2009

The House of Representatives of the Sixteenth Northern Marianas Commonwealth Legislature convened its First Day, Fifth Special Session on Thursday, at 9:44 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Arnold I. Palacios, Speaker of the House, presided.

A moment of silence was observed.

The Clerk called the roll and 18 members were present. Representative Joseph Reyes will be arriving in shortly and Representative Heinz S. Hofschneider was absent and excused.

ADOPTION OF JOURNALS

- 1st Day, Seventh Special Session 2008 - July 9, 2008
- 2nd Day, Seventh Special Session 2008 - July 10, 2008
- 3rd Day, Seventh Special Session 2008 - July 18, 2008
- 1st Day, Eighth Special Session 2008 - July 30, 2008
- 2nd Day, Eighth Special Session 2008 - July 31, 2008

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. Unless there is any objections from the members, I would like to make one motion for all the journals. A motion to adopt 1st Day, Seventh Special Session 2008 - July 9, 2008, 2nd Day, Seventh Special Session 2008 - July 10, 2008, 3rd Day, Seventh Special Session 2008 - July 18, 2008, 1st Day, Eighth Special Session 2008 - July 30, 2008, 2nd Day, Eighth Special Session 2008 - July 31, 2008.

The motion was seconded.

- 1st Day, Seventh Special Session 2008 - July 9, 2008*
- 2nd Day, Seventh Special Session 2008 - July 10, 2008*
- 3rd Day, Seventh Special Session 2008 - July 18, 2008*
- 1st Day, Eighth Special Session 2008 - July 30, 2008*
- 2nd Day, Eighth Special Session 2008 - July 31, 2008*

Speaker Arnold Palacios: The motion has been made for the adoption of the five journals appearing on today's Calendar and has been seconded. Discussion, ready for the question.

The motion to adopt 1st Day, Seventh Special Session 2008 - July 9, 2008, 2nd Day, Seventh Special Session 2008 - July 10, 2008, 3rd Day, Seventh Special Session 2008 - July 18, 2008, 1st Day, Eighth Special Session 2008 - July 30, 2008, 2nd Day, Eighth Special Session 2008 - July 31, 2008 was carried by voice vote.

Speaker Arnold Palacios: Representative Stanley Torres, recognized.

Representative Stanley Torres: Mr. Speaker, looking at the dates of the journals, they are all July 2008. I have finished reading last Friday the journals of May 9, 12, and 15, 2009, why is there a long gap between the adoption of the journals? It is almost a one-year gap.

Speaker Arnold Palacios: We are giving everybody a chance to read up.

Representative Stanley Torres: I guess every member has their fiduciary duty to read the journals. We are holding the Bureau staff especially the two Clerks in the House. I think it is piling up in their office.

Speaker Arnold Palacios: I have asked the Clerk to begin putting in the journals on the Agenda so we could be adopting them.

Representative Stanley Torres: Thank you.

Speaker Arnold Palacios: Thank you for your concern.

INTRODUCTION OF BILLS

House Local Bills:

H. L. B. NO. 16-36: To authorize SHEFA financial assistance for students enrolled in post-secondary vocational or training programs for students pursuing a degree or certification in nursing or any other related medical program within the CNMI. (Rep. Oscar M. Babauta +1)

H. L. B. NO. 16-37: To name the fire station located in Koblerville Village to the “Jose Terlaje Ada Building” in recognition and appreciation of his untiring and outstanding contributions to the Department of Public Safety and to the people of the Commonwealth; and for other purposes. (Rep. David M. Apatang +3)

INTRODUCTION OF RESOLUTIONS

NONE

MESSAGES FROM THE GOVERNOR

GOV. COMM. 16-381: (5/21/09) From Lt. Governor Inos informing the House that he signed into law H. B. NO. 16-243, HD1 (MVA FY 2009 Reprogramming). [Became Public Law 16-41.

GOV. COMM. 16-382: (5/19/09) Certification for an annual salary in excess of \$50,000 for Mr. Michael L. Ernest, Assistant Attorney General.

GOV. COMM. 16-383: (5/19/09) Certification for an annual salary in excess of \$50,000 for Mr. Kent Ainslie, Physician Assistant.

GOV. COMM. 16-384: (5/20/09) Certification for an annual salary in excess of \$50,000 for Dr. Melville Singer.

GOV. COMM. 16-385: (5/28/09) Certification for an annual salary in excess of \$50,000 for Ms. Luise Q. Noisom, Nurse Practitioner.

GOV. COMM. 16-386: (5/29/09) Informing the House that he signed into law H. L. B. NO. 16-24, S1 (Appropriating \$147,000.00 from the First Senatorial District's Licensing Fees). [Became *Rota Local Law 16-6.*]

GOV. COMM. 16-387: (5/29/09) Informing the House that he signed into law S. L. B. NO. 16-5, D1 (To name a portion of route 100 Highway in Rota the Late Carlos Songsong Calvo). [Became *Rota Local Law 16-7*]

GOV. COMM. 16-388: (5/29/09) Certification for an annual salary in excess of \$50,000 for Mr. Jonathan Patrick Corrigan (Nephrology).

GOV. COMM. 16-389: (5/31/09) Executive Order 2009-5 – Declaration of a State of Disaster Emergency: CUC's Imminent Generation and other Failure and the Need to Provide Immediate Reliable Power during Repairs, Continuation #10.

Speaker Arnold Palacios: Representative Dela Cruz, recognized.

Representative Dela Cruz: Thank you, Mr. Speaker this is in regards to Gov. Comm. 16-389 the Executive Order continuation #10. I find this very surprising most especially on his Executive Order, item two where he points out that the decision to terminate the Aggreko contract is far from certain. I am quite surprised that we have been meeting with the Executive Director of the Commonwealth Utilities Corporation (CUC) and its consultant, Mr. Waldon Young. We have been assured and reassured that come September 2009 the Commonwealth will no longer need Aggreko's 15 megawatts. I do not know whether this is something that the Governor is playing safe on, but I believe that this is not the message that we have been hearing from CUC. In other words, it is a contradiction to CUC's reports and comments that we have received and this item in its form to me is unbelievable, unless they are not coming out truthfully with the status of the engines in Power Plant I. I do not believe that – if this is untrue then it should not be in this Executive Order, Mr. Speaker. That is all.

Speaker Arnold Palacios: Thank you. Are there any more comments on that particular communication or any other communications for that matter? I received this declaration before June 1, and I have made copies available to all the members. I am seriously looking at it too, item by item because if you go back and look at some of the reasoning for the continued emergency declaration it continues to reiterate or for lack of a better word, regurgitate the same reasons. In fact, the particular point that Representative Dela Cruz had pointed out is in fact contradictory to what is being put out in the Press by CUC, and that June is the drop dead deadline when the CUC is going to make a determination whether it is going to extend the Aggreko contract, which is said to expire I believe in September 13, 2009 if I am not mistaken. But certainly, it warrants perhaps the Committee on PUTC to seek clarification from the Executive Director and or even from the Executive Branch and the Attorney General for that matter to look into this extension of the declaration of emergency disaster. Okay. Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. In addition, to the concerns about whether or not we should be expecting an extension of the Aggreko contract, I think it is also worth examining further the appearance that a state of emergency at CUC has become really, a state of normality. As you pointed out, Mr. Speaker the list of justifications for these continuing emergency declarations, really are regurgitations of the previous declarations and with the ever expanding list, now this one includes, swine flu – the last one included swine flu and I am sure we can expect this every month. And these conditions at CUC they existed before the emergency declaration was first made and they persist with each declaration. So I am wondering what the true motivation is behind these declarations and if CUC is making progress on all of the various maintenance and operational issues that are cited in the Governor’s declarations – my sense is that they would make progress anyway with out these executive orders. In addition to seeking clarification on the Aggreko contract, I think we should take a look at the bigger picture, which is what is the true purpose of declaring a state emergency on CUC and really is it necessary? The stipulated orders for example, are cited also as a justification for this declaration and in previous declarations. But we will have to comply with those orders with or without the Governor’s executive orders in placed. So I would like to ask the members in particularly, the House PUTC if there would soon be a formal meeting with the Governor and with CUC that we seek clarification also on that bigger question. Thank you.

Speaker Arnold Palacios: Thank you. Representative Reyes, recognized.

Representative Reyes: Mr. Speaker, I want to go on record that I am present for today’s session.

Speaker Arnold Palacios: Thank you. Clerk. Are there any more on Item 5? Ready. Representative Aldan, recognized.

Representative Aldan: Mr. Speaker, if I may and with the indulgence from the members, can we go back to Item 4?

There was no objection raised on the floor to revert back to Item V, Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

Speaker Arnold Palacios: Representative Aldan, recognized.

Representative Aldan: Introducing H. R. 16-90, if I may introduce it as committee of the whole. Thank you.

There was no objection on the floor to introduce it as committee as a whole.

Speaker Arnold Palacios: I order that H. R. 16-90 be placed on today’s Resolution Calendar.

MESSAGES FROM THE GOVERNOR

GOV. COMM. 16-381: (5/21/09) From Lt. Governor Inos informing the House that he signed into law H. B. NO. 16-243, HD1 (MVA FY 2009 Reprogramming). [Became Public Law 16-41.

GOV. COMM. 16-382: (5/19/09) Certification for an annual salary in excess of \$50,000 for Mr. Michael L. Ernest, Assistant Attorney General.

GOV. COMM. 16-383: (5/19/09) Certification for an annual salary in excess of \$50,000 for Mr. Kent Ainslie, Physician Assistant.

GOV. COMM. 16-384: (5/20/09) Certification for an annual salary in excess of \$50,000 for Dr. Melville Singer.

GOV. COMM. 16-385: (5/28/09) Certification for an annual salary in excess of \$50,000 for Ms. Luise Q. Noisom, Nurse Practitioner.

GOV. COMM. 16-386: (5/29/09) Informing the House that he signed into law H. L. B. NO. 16-24, S1 (Appropriating \$147,000.00 from the First Senatorial District's Licensing Fees). [Became *Rota Local Law 16-6*.]

GOV. COMM. 16-387: (5/29/09) Informing the House that he signed into law S. L. B. NO. 16-5, D1 (To name a portion of route 100 Highway in Rota the Late Carlos Songsong Calvo). [Became *Rota Local Law 16-7*]

GOV. COMM. 16-388: (5/29/09) Certification for an annual salary in excess of \$50,000 for Mr. Jonathan Patrick Corrigan (Nephrology).

GOV. COMM. 16-389: (5/31/09) Executive Order 2009-5 – Declaration of a State of Disaster Emergency: CUC's Imminent Generation and other Failure and the Need to Provide Immediate Reliable Power during Repairs, Continuation #10.

Speaker Arnold Palacios: Are there is any more comments on the Messages from the Governor? Representative Stanley Torres.

Representative Stanley Torres: Gov. Comm. 16-382 just caught my attention, Mr. Speaker. I see that the Senate Legal Counsel is leaving the Senate. Is he getting a higher salary, maybe?

Speaker Arnold Palacios: Yes, you are correct on that observation. Ready.

SENATE COMMUNICATIONS

SEN. COMM. 16-154: (5/11/09) Returning H. B. NO. 16-220, HS1 (Runoff Election Procedures), which was passed by the Senate with amendments on May 18, 2009, in the form of H. B. NO. 16-220, HS1, SD1. [*For action on Senate amendments*]

SEN. COMM. 16-155: (5/11/09) Returning H. B. NO. 16-243, HD1 (Amend PL 16-32 re MVA reprogramming), which was passed by the Senate without amendments on May 18, 2009. [Became law]

SEN. COMM. 16-156: (5/19/09) Transmitting for House action S. J. R. NO. 16-11, entitled, "To approve two additional full-time employees (FTE's) for the community Guidance Center, a division of the Department of Public Health," which was adopted by the Senate on May 18, 2009. [*For action*]

SEN. COMM. 16-157: (5/19/09) Transmitting for House action S. L. I. NO. 16-12, SD1, entitled, "To amend Article XI Section 6(d) of the Constitution of the Commonwealth of the Northern Mariana Islands to require the Marianas Public Land Trust to disburse earnings from MPLT investments to persons of Northern Mariana Islands descent," which was passed by the Senate on May 18, 2009. [*For action*]

Speaker Arnold Palacios: Vice Speaker, recognized.

Representative Deleon Guerrero: Thank you, Mr. Speaker. Mr. Speaker, with regards to Sen. Comm. 16-154, I have read the Senate amendments on this bill and have just met with the Executive Director and the Chairperson of the Election Commission and their Legal Counsel. Mr. Speaker, there were some legal issues that were raised regarding this bill, which I think warrants that we delay any House action on this bill today and leave it on the Calendar. I have asked them to prepare amendments to address this issue and they are working on it as we speak and if time permits and they can get it to us we can deliberate on this bill and I can explain further what and why this amendment is needed.

Speaker Arnold Palacios: Okay. Vice Speaker, you are referring to the amendments that were made by the Senate. For the members information we passed this House Bill and subsequently the Senate made some amendments so it is now in a form of H. B. No. 16-220, SD1 and the reference that the Vice Speaker is making is specifically on those amendments. Am I correct?

Representative Deleon Guerrero: Yes, Mr. Speaker, partially, and there are also issues with the bill that requires some modification that were not necessarily a product of the Senate's amendments that has to be addressed also and I do not have to get into it until we get the amendments so I can explain more.

Speaker Arnold Palacios: So you are requesting that we leave this on ---

Representative Deleon Guerrero: That we leave this on the Senate Communication until we can entertain it on the floor.

There was no objection on the floor to leave SEN. COMM. 16-154 on the Calendar.

Speaker Arnold Palacios: Representative Hocog, recognized.

Representative Hocog: While I agree with the request of the Vice Speaker to leave this on the table I am just curious, Mr. Speaker what specific section that the Vice Speaker is contemplating for a new amendment or which section of the bill that the Election Commission feel that it will have some legal repercussion if this bill should pass and become law. The reason why I asked is that I want to also look into some of the areas that supposedly needs to be included in the sections. So not necessarily that the Vice Speaker will justify or explain in whole or in part, but at least the section of the bill requiring possible amendments that the Election Commission intends to submit to the House.

Speaker Arnold Palacios: Vice Speaker, recognized.

Representative Deleon Guerrero: Thank you, Mr. Speaker and thank you, Representative Hocog. If you go to page 4, the Run-off election in this bill is governed by subsection 6509. Now, we had basically left the Commonwealth Election Commission to promulgate the rules and regulations to

effectuate the run-off election. But on page 2, under 6213, we amended the absentee voting and the counting of ballots, what this section did was for the General Election we intended to have all ballots sent out earlier so that they can be received and counted by Election Day, rather than the fourteen days after the General Election to shorten the time frame, but inadvertently because there was no preexisting law for the run-off election. This section also applies to the run-off election – meaning that ballots would have to be counted on the run-off election day, now granted---

Speaker Arnold Palacios: Vice Speaker, I think Representative Hocog just wanted to have you point out which sections are problematic.

Representative Deleon Guerrero: I understand I am just briefly touching on the issue of the concern here. What needs to happen is, we need to amend Section 6509 to allow for a separate language so that the run-off election will have an additional fourteen days after for the ballots to be counted and the purpose for that is to give the Election Commission enough time to send out the ballots and to receive the ballots – right now there is only a fourteen day window for this to happen and what basically could happen is absentee voters would not have the time – ballots would not be counted. Thank you.

Speaker Arnold Palacios: Representative Hocog, recognized.

Representative Hocog: Can we take a short recess?

Speaker Arnold Palacios: Short recess.

The House recessed at 10:07 a.m.

RECESS

The House reconvened at 10:08 a.m.

Speaker Arnold Palacios: We are back to plenary session. Before we went on recess we were discussing Sen. Comm. 16-154. So without objection the recommendation from the Vice Speaker is that we leave Sen. Comm. 16-154 on the Calendar until he can discuss this issue with the Election Commission and the Senate President and the Senate members on their amendments.

There was no objection on the floor.

Speaker Arnold Palacios: I will assign the remaining Senate Communications to committees. Are there any comments under Senate Communications? Ready.

Several members voiced ready.

Speaker Arnold Palacios: Short recess.

The House recessed at 10:09 a.m.

RECESS

The House reconvened at 10:15 a.m.

Speaker Arnold Palacios: We are back to plenary session. We are under Senate Communications. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. I would like to reference Sen. Comm. 16-150 regarding H. B. No. 16-179, HS1, SD1, the probation fee. A motion to reconsider the House action on H. B. No. 16-179, HS1, SD1 referencing Sen. Comm. 16-150.

The motion was seconded.

H. B. No. 16-179, HS1, SD1 referencing Sen. Comm. 16-150:

Speaker Arnold Palacios: The motion is to reconsider our action on H. B. No. 16-179, HS1, SD1 referencing Sen. Comm. 16-150, let me clarify that. Two sessions ago we rejected H. B. No. 16-179, HS1, SD1 referencing Sen. Comm. 16-150 - H. B. No. 16-179 is the probation bill introduced by Representative Santos. Subsequently the Senate made an amendment to it and placed a rider to it. We had rejected the Senate amendments and after Representative Santos discussed this with the Senate President and myself and the Probation Office we decided that the amendment was okay. It did not really go into the substance of the bill and it was basically a rider it does not affect the intent of the legislation in any way form what so ever. So the motion offered by the Floor Leader is to reconsider the House's action that we did two sessions. The bill is with us. So the motion is to reconsider our actions on H. B. No. 16-179 HS1, SD1. Ready. Representative Benavente, am I okay, is that in order.

Representative Benavente: The motion is actually to reconsider and to place it for that reconsideration. Thank you.

Speaker Arnold Palacios: That is the motion. Ready.

The motion to reconsider House action on H. B. No. 16-179, HS1, SD1, was carried by voice vote.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, again Mr. Speaker. Now that the process of reconsidering H. B. No. 16-179, HS1, SD1 referencing Sen. Comm. 16-150. A motion to place H. B. No. 16-179, HS1, SD1 referencing Sen. Comm. 16-150 on the Calendar for further consideration.

The motion was seconded.

Speaker Arnold Palacios: The placement motion was seconded, ready.

The motion to place H. B. No. 16-179, HS1, SD1 referencing Sen. Comm. 16-150 was carried by voice vote.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you. Before we leave Senate Communications I would like to make one more motion. A motion to place on the Bill Calendar H. B. No. 16-179, HS1, SD1 for action.

The motion was seconded.

Speaker Arnold Palacios: The motion is for the placement of H. B. No. 16-179, HS1, SD1 on the Bill Calendar was seconded, discussion, ready.

The motion to place H. B. No. 16-179, HS1, SD1 on the Bill Calendar for action was carried by voice vote.

Speaker Arnold Palacios: Ready.

HOUSE COMMUNICATIONS

Hse. Comm. 16-110: (5/20/09) From the Speaker informing the Senate President of his appointment to the conference committee on H. B. No. 16-47, HD2, SD1.

There were no discussions under this item of the agenda.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

NONE

COMMUNICATIONS FROM THE NMI DELEGATE

NONE

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-88: (5/21/09) From NMIRF Administrator Mark Aguon to Governor Fitial regarding the Funds' drawdown for 2009.

Speaker Arnold Palacios: Representative Sablan, recognized.

Representative Sablan: Thank you. I just wanted clarify going back to Senate Communications. Is it the intention for today to act on Sen. Comm. 16-156? Since that is on our Agenda for our action today that I was not sure that would be also placed on our Calendar.

Speaker Arnold Palacios: No. For action means we can put it on the Calendar or I can assign it to a committee to look into that legislation which I will do that very shortly. Representative Stanley Torres, recognized.

Representative Stanley Torres: Can we go back to House Communications?

Speaker Arnold Palacios: Are there any objections to revert back to House Communications?

There were no objections raised on the floor to revert back to House Communications.

HOUSE COMMUNICATIONS

Speaker Arnold Palacios: We are under House Communications, please proceed Representative Stanley Torres.

Representative Stanley Torres: Mr. Speaker, on our May 12th session I brought up the issue regarding the Isa Road construction. Is there any response from the Department of Public Works about your request?

Speaker Arnold Palacios: There is no response yet, but please be reminded that the Ways and Means Committee is meeting this afternoon with the Department of Public Works on their budget and so you are certainly welcome to raise that issue at that time this afternoon.

Representative Stanley Torres: Thank you.

Speaker Arnold Palacios: I always look out after you.

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

DEPT./AGCY. COMM. 16-88: (5/21/09) From NMIRF Administrator Mark Aguon to Governor Fitial regarding the Funds' drawdown for 2009.

Speaker Arnold Palacios: Yes. Representative Sablan, recognized.

Representative Sablan: Yes, I just wanted to comment on the communications from our Retirement Fund Administrator, Mr. Mark Aguon. May I ask, perhaps, our Chairman on Ways and Means or other members who are aware – Mr. Aguon expresses concern about the Government's failure to make the \$500,000 bi-weekly payments and also the failure to remit the employer's contribution at the actuarially determined rate. We all know that the budget that was passed for FY 09 set the contribution rate at 11% which obviously, not the actuarial rate, but has the Government been keeping up at least with that or have there been any payments made at the 11% rate – since this letter does not reference that at all.

Speaker Arnold Palacios: Representative Yumul and Representative Ralph Torres - I think the two members that should be more verse and be able to answer that question is the two of you since you have been working diligently with the Retirement Fund Taskforce. The question is whether the Government has been making employer contributions at the 11% rate that was passed in the budget that was part of the budget requirement. Can you answer the question?

Representative Yumul: Thank you, Mr. Speaker. The way I understand the communications from the Retirement Fund Administrator to the Governor – this came out because of some statement that apparently have been made by the Governor's office as to the - I guess untimeliness or questions as to why the suit has been brought up. And the Administrator merely cited a June 30, 2005 document signed by the Governor who at the time was the Speaker of the House of Representatives – basically outlining his concerns that the government did breach an agreement, an Memorandum of Agreement (MOA), and that the Board should not have waited more than three years – this is back then to decide to sue the government. So now that the Board is moving forward and the Governor is now questioning why – so it is a document that I guess the Administrator wanted to bring into light.

Speaker Arnold Palacios: Well, what Representative Sablan is trying to get at is whether the Government is paying its 11% that is required in the Budget Act that we had passed. And if it has then that \$500,000 that is supposedly paying via the MOA becomes moot. Now, if the Government

is not making payments to or missing some payments, what is the rate of the arrearage that is what she is trying to ask?

Representative Yumul: This MOA is actually an agreement to catch up the Government's contributions to the Retirement Fund. This is separate of the current contributions that need to go in. So the 11%, for example, needs to continue – the Government's contributions needs to continue separate from this. This is an MOA to get the Government to be caught up on those arrears. So there is really two – the current obligations and then this MOA that was supposed to have settled past arrears. The 11% according to the Director the last I had spoken with him some moneys did come in...

Speaker Arnold Palacios: Which Director?

Representative Yumul: I am sorry, the Retirement Fund Administrator. He did tell me that moneys were received and that they are trying to ascertain how much of that money is for what allocation because it just came in as a lump sum. So the Retirement Fund has to try to make sense of how the application should be processed – is it for – for example, insurance premiums of sorts or the past Aetna claims, is it the 11%, is it others for Retirement...

Speaker Arnold Palacios: Okay, can you look into that issue and see if you can get some answer.

Representative Yumul: I can certainly ask a follow up.

Speaker Arnold Palacios: And how much we continue to be in arrearage? That is basically the crocks of requesting.

Representative Yumul: But according to then at the time Secretary Eloy Inos before he became Lieutenant Governor, he did say that the Administration is up to date on that 11%.

Speaker Arnold Palacios: What does the Retirement Fund say?

Representative Yumul: That is where like I reiterated they are not certain yet. I did not do a follow up after that. I figured that if it was a grave concern they would have notified me immediately, but they did not.

Speaker Arnold Palacios: Representative Salas, recognized.

Representative Salas: Representative Yumul, have they seized to pay the \$500,000 because now they are paying the 11%, is that what you are saying or paying part of the 11%?

Speaker Arnold Palacios: Proceed, Representative Yumul.

Representative Yumul: I believe that MOU is kind of stagnant – I will leave that up to you.

Speaker Arnold Palacios: I would of thought that the two illustrious members that I have assigned to the Taskforce would at least get those questions – those are very critical questions because if we recall the Chairman of the Board when he was here he said they have not received payments and that they were in arrears since last September if I am not mistaken that was what...

Representative Yumul: Mr. Speaker, maybe I might have have misunderstood your memo to Representative Ralph Torres and me and that your memo to us was specific to work with and try to come up with an Omnibus bill. This is more of a Ways and Means issue, but that has not been addressed because we have not scheduled a Ways and Means with Retirement.

Speaker Arnold Palacios: I understand, Representative Yumul that the Taskforce was to deal with the proposed legislations and to look at it. But I would have thought and perhaps I am mistaken – that in the process of these discussions and the many meetings that you have had with the Taskforce the issue of how much the Government is in arrear would have surfaced and I was trying to get to see if the two of you know.

Representative Yumul: Right. Part of the guidelines we set forth as the working group came and met almost weekly in the last few months. We made it clear that any discussions pertaining to an existing lawsuit will not be entertained in the working group because we have two parties and we are trying to stay focused, otherwise, the discussion would have broken down a long time ago.

Speaker Arnold Palacios: What you are trying to tell us basically is, we are not really clear how much money has been paid.

Representative Yumul: No.

Speaker Arnold Palacios: Okay, so you got your answer there, Representative Sablan. We do not know. Thank you. Can somebody find out?

Representative Yumul: I will make the request.

Speaker Arnold Palacios: Representative Hocog, recognized.

Representative Hocog: On the same communication, Mr. Speaker I just want to raise the little gray areas here on the back page where it says that nearly three thousand registered retiree voters may be very well have no visible means of support in the foreseeable future. So I take to mean that those non-voters that are retired would not be affected as a result of this. Well maybe this is a misplace words in the communication. Thank you.

Speaker Arnold Palacios: I guess you found the necessity to spice the letter up or put some ajinimoto in it, but thank you Representative Hocog. So we will leave that discussion and hopefully Chairman Yumul maybe we can get a handle on how much we owe the Retirement Fund.

OTHER COMMUNICATIONS

NONE

REPORTS OF STANDING COMMITTEES

S. C. R. NO. 16-93: Reporting on H. B. NO. 16-208, entitled, “To amend 3 CMC § 4972(b)(2)(i) to waive the two year work experience for non-resident nursing graduates of the Northern Marianas College who are seeking employment at private medical clinics; and for other purposes. *Your Committee on Health, Education, and Welfare recommends passage of H. B. NO. 16-208, without amendment.*

Speaker Arnold Palacios: We are now under Item 12, Floor Leader let us take a two minute recess.

The House recessed at 10:33 a.m.

RECESS

The House reconvened at 10:41 a.m.

Speaker Arnold Palacios: We are back to plenary session. Representative Yumul, recognized.

Representative Yumul: Thank you. To respond to Representative Sablan's question.

Speaker Arnold Palacios: You are referring back to Department and Agency Communications. Representative Sablan, Representative Yumul has an answer for your previous inquiry. Proceed Representative Yumul.

Representative Yumul: The MOA that was executed many years ago, according to the Retirement Fund the payments that was for the MOA ended March 2006 from that point forward no payments citing the MOA was ever received thereafter. Currently all employee contributions for this fiscal year are being paid and is current, however, for employer contribution from October 1st, to April 30th \$13.3 million was due to be collected of which only \$4.7 million was transferred leaving a shortfall of about \$8.6 million that is still due just to cover October 1st to April 30th and that is at the 11%.

Speaker Arnold Palacios: So what that means – one, the \$500,000 per pay period payment has not been made since 2006 to present day and that the employer contribution has not been made since October 1 to April?

Representative Yumul: Yes, for this fiscal year. And as thus far as Retirement Fund is aware the MOA is still active it is just dormant. It has not been rescinded or terminated.

Speaker Arnold Palacios: I think that answers your questions, Representative Sablan it gives you all the information. Representative Reyes, recognized.

Representative Reyes: Thank you, Mr. Speaker. Just to add on a little bit on that. The MOA has been breached and one of the provisions there which is within the MOA is to have the employer's contribution current from there on after and that is one of the reasons why the lawsuit was initiated. I would like to ask, Mr. Speaker and Chairman Yumul because I am very concerned I am on the Define Contribution (DC) plan I just wonder if the Government with its employer's share of 4% is current or behind also? Do you know?

Speaker Arnold Palacios: Representative Yumul, recognized.

Representative Yumul: I am sorry could you repeat the question?

Representative Reyes: The 4% employer's contribution I wonder if that is current is that being paid by the Government? The reason to that as you may know the 401k has a lot of special provisions where each and every member has the right to review his account and work with the Administrator as to where to invest his money and I just want to know if that has been current or not.

Speaker Arnold Palacios: The question is whether the employer contribution under the Define Contribution Plan is current.

Representative Yumul: Currently the Define Contribution plan is being managed by ASC Corporation I believe their main office is on Guam and they have a branch office here. The Retirement Fund does not have any information as to that, it is supposed to be a direct contribution from the Department of Finance on the employees' behalf straight to ASC Corporation. I have not engage ASC Corporation as to the status. Again, it is something that I can look into, I do not have that information at this time.

Speaker Arnold Palacios: Okay, the short answer to that is, he does not know whether it is current.

Representative Reyes: Just a clarification Mr. Speaker. Mr. Speaker, I ask my colleague to please look into that because they do have an Administrator that is supposed to oversee the program I think it is his responsibility – the Board is nothing but an advisory so just to look into that please. Thank you.

HOUSE COMMUNICATIONS

Speaker Arnold Palacios: Thank you. Can we move on? Representative Hocog, recognized under House Communications.

Representative Hocog: Thank you, Mr. Speaker. Not play any blame game here but I ask the Speaker and counterparts from respective committees to work with their Senate counterpart regarding all bills that are being referred. I have gathered information from the Senators that there are a lot of bills also before the House that have not been acted upon, so today I made an effort to get the status summary report from the Senate and the total bills that have been referred to the House in various committees is approximately fourteen bills, while the House have fifty sum bills at the Senate. So in order to expedite all these bills particularly ones that contain an outmost importance that we work together with the counterparts at the Senate and see if we can expedite all Senate Bills also from the House side without anticipating any House Resolution to the Senate regarding the status of all bills referred to the Senate. Thank you.

Speaker Arnold Palacios: Representative Tebuteb, recognized.

Representative Tebuteb: Just a short note in addition to that comment. With respect to the Natural Resources Committee the Senate Legislative Initiatives are all done. We are also waiting on some of the information that requires further scrutiny from respective authors of those particular bills from the Senate. So the Natural Resources Committee in defense of that has done their work.

Speaker Arnold Palacios: Thank you.

Representative Hocog: And for the record Mr. Speaker I have been asked by the Senate to request the HEW Committee also – there are some bills sitting in his committee since February 2008 and January and I would like to ask the Chairman if they have communicated with the Senate counterpart with regards to the differences in their opinion.

Speaker Arnold Palacios: I think the respective Chairs have to sit down and compare the ratios of legislations coming out. I have already informally brought this up with the Senate President and I

believe the Senate President had tasked the Floor Leader of the Senate to look into all pending House Bills in the Senate and I will take a look at all the Senate Bills pending in the House---(*End of Tape 1, Side a*) (*Start of Tape 1, Side b*) work to be done so that we can seek out the respective authors thoughts on those legislations. Representative Ralph Torres, recognized.

Representative Ralph Torres: Thank you, Mr. Speaker. Also for the HEW Committee I am actually kind of dazzled by Representative Hocog and by the respective Senator to exhaust their energy to talk to him. If they have issues on the HEW Committee my door is always open. I have been talking to the authors of each bill so I am just a little bit concerned as to the issues addressed here. I too would agree that we do not need a resolution or even issues mention during sessions regarding this issue. My door is always open. Thank you.

Speaker Arnold Palacios: Thank you. Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. There is one particular issue that has been acted upon on both the House and the Senate that has not been resolved yet and that is with respect to synchronizing our CNMI elections with the Federal General Elections I think that it is time sensitive. The House has passed an initiative I believe that would shorten the terms for four-year offices and then the Senate passed their own that would lengthen it. Either way there has to be some kind of resolution so that we do not end up with an election every year and it would be good I think if we could resolve in a timely manner so that voters can consider the proposal by this election. I believe there is a deadline that is fast approaching with the election office to get that particular initiative on the ballot this year and I would like to ask that – that would be one of the issues that we expedite action on. Thank you.

Speaker Arnold Palacios: Thank you. Are there any more comments under House Communications? Ready.

Several members voiced ready.

Speaker Arnold Palacios: Representative Babauta, recognized.

Representative Babauta: This will be very quick. May I also request the Chair to also include the Minority members' bills in that discussion, Mr. Speaker? Thank you.

REPORTS OF STANDING COMMITTEES

S. C. R. NO. 16-93: Reporting on H. B. NO. 16-208, entitled, "To amend 3 CMC § 4972(b)(2)(i) to waive the two year work experience for non-resident nursing graduates of the Northern Marianas College who are seeking employment at private medical clinics; and for other purposes. *Your Committee on Health, Education, and Welfare recommends passage of H. B. NO. 16-208, without amendment.*

Speaker Arnold Palacios: Thank you. You did not have to go there. (Laughter) Ready. We are on reports of standing committee. Floor Leader, if there is no objections to suspend action on this committee report or we can go to the Bill Calendar except for S. C. R. No. 16-93.

Floor Leader Camacho: Can do, Mr. Speaker.

Speaker Arnold Palacios: Okay. Please proceed Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt S. C. R. No. 16-93 reporting on H. B. No. 16-208 the Non-resident nursing graduates.

The motion was seconded.

S. C. R. NO. 16-93: Reporting on H. B. NO. 16-208, entitled, "To amend 3 CMC § 4972(b)(2)(i) to waive the two year work experience for non-resident nursing graduates of the Northern Marianas College who are seeking employment at private medical clinics; and for other purposes. *Your Committee on Health, Education, and Welfare recommends passage of H. B. NO. 16-208, without amendment.*

Speaker Arnold Palacios: The motion is for the adoption of S. C. R. NO. 16-93 has been seconded, discussion on the motion. Ready.

The motion to adopt S. C. R. NO. 16-93 was carried by voice vote.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, again Mr. Speaker. If we can dispense with Item 15 there is only one resolution?

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

NONE

UNFINISHED BUSINESS

NONE

RESOLUTION CALENDAR

Speaker Arnold Palacios: Please proceed, Floor Leader.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to adopt H. R. No. 16-90 in reference to Mr. Joshua Manglona.

The motion was seconded.

H. R. No. 16-90: A House Resolution to recognize and congratulate Mr. Joshua Alberto Manglona for his outstanding performances and accomplishments.

Speaker Arnold Palacios: The motion is for the adoption of H. R. No. 16-90 and has been seconded. Discussion on the motion? Ready.

There being no discussion the motion to adopt H. R. No. 16-90 was carried by voice vote and is offered as committee as a whole.

Speaker Arnold Palacios: Representative Salas, recognized.

Representative Salas: Mr. Speaker, can I just ask that the certified copies be given to the parents of Mr. Alberto Manglona since it was not included in the resolution. I am offering that as a technical amendment.

Speaker Arnold Palacios: Clerk, please take note of that. Representative Babauta, recognized.

Representative Babauta: Technical amendment on the recommendation, I understand that two copies should be made for the mom and the dad if you know what I mean.

Speaker Arnold Palacios: Thank you.

BILL CALENDAR

Speaker Arnold Palacios: We are now under Agenda Item 16, Floor Leader, can we dispense of H. B. No. 16-179 first?

Floor Leader Camacho: Can be, Mr. Speaker. Mr. Speaker, a motion to pass on First and Final Reading H. B. No. 16-179, HD1, SD1 in reference to probation fees.

The motion was seconded.

H. B. NO. 16-179, HD1, SD1: TO AMEND AND REPEAL CERTAIN SECTIONS OF PUBLIC LAW 15-46, THE PROBATION REFORM ACT OF 2006; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion is for the passage of H. B. NO. 16-179, HD1, SD1 was seconded. Discussion on the motion? Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I wanted to ask the author of the bill and perhaps yourself in the course of your discussions with the Senate about the rider that they were proposing – I guess what I am asking for is some background about that and if this is a request that comes from the Department of Public Safety or from anyone else for that matter – but why is it urgent to put this in as a rider in the first place.

Speaker Arnold Palacios: Representative Santos, recognized.

Representative Santos: Because the minor amendment as what it is called a rider now is a revenue generating bill that cannot come out of the Senate – such bills are initiated from the House.

Speaker Arnold Palacios: Let me further clarify what the amendment is. The amendment is to impose a penalty for gun owners who fail to re-register after their licenses or permits have expired. Presently a gun owner who fails to get his renewal can continue to not renew that license for two years and then come back without any penalties. It is to put a 20% penalty. It is basically about \$5 per year. If you fail to renew your license, for example, your driver's license for so many days you would be imposed with a penalty provision and that is what it is – it is a very simple amendment to the gun control law. The Department of Public Safety requested this. Ready for the question. Floor Leader, recognized.

Floor Leader Camacho: Just for clarification and I direct myself to the Legal Counsel. In reference to 6 CMC § 4113 (n) I believe that is the expungement part if I am not mistaken.

Speaker Arnold Palacios: Legal Counsel, could you clarify that? Let us take a short recess.

The House recessed at 10:58 a.m.

RECESS

The House reconvened at 10:59 a.m.

Speaker Arnold Palacios: We are back to plenary session. Before we went on recess the Floor Leader had made some inquiries to the Legal Counsel. Has that been clarified, Floor Leader?

Floor Leader Camacho: Very much, Mr. Speaker. Thank you.

Speaker Arnold Palacios: Representative Sablan, recognized.

Representative Sablan: Thank you. I guess this is just a technical correction, but I just wanted to clarify that on page 2, the amendment should read – a late fee not to exceed 20% - it has been, thank you.

Speaker Arnold Palacios: Yes, that has been pointed out as technical. It has been pointed out to the Clerk. Representative Yumul, recognized.

Representative Yumul: Thank you, Mr. Speaker. Just a question on page 2, line 1 – why the removal of “during the term of probation” is that redundant? I am assuming that this annual fee is for the cost of administering the probation by the officers –the monitoring of the parolee? So if we remove the “during the term of probation” does that mean it can be forever outside the term of probation.

Speaker Arnold Palacios: Representative Santos, would you like to answer that?

Representative Santos: It is redundant because these things only apply when you are on probation. If you are done with or have completed your term of probation then you are no longer subjected to any of the terms and conditions of probation.

Speaker Arnold Palacios: So the reason why that was crossed out is to avoid redundancy.

Representative Yumul: Okay. Thank you.

The Clerk called the roll on the motion to H. B. NO. H. B. NO. 16-179, HD1, SD1 on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes

Representative Heinz S. Hofschneider	absent excused
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of nineteen yes, H. B. NO. 16-179, HD1, SD1 hereby passes the House on First and Final Reading. Floor Leader, recognized.

Floor Leader Camacho: Thank you. A motion to pass on First and Final Reading H. B. NO. 16-16-208.

The motion was seconded.

H. B. NO. 16-16-208: TO AMEND 3 CMC § 4972(B)(2)(I) TO WAIVE THE TWO YEAR WORK EXPERIENCE FOR NON-RESIDENT NURSING GRADUATES OF THE NORTHERN MARIANAS COLLEGE WHO ARE SEEKING EMPLOYMENT AT PRIVATE MEDICAL CLINICS; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion is for the passage of H. B. NO. 16-16-208 on First and Final, and has been seconded, discussion on the motion? Ready.

There being no discussion the Speaker asked the clerk to call the roll.

The Clerk called the roll on the motion to H. B. NO. 16-208 on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of nineteen yes, H. B. NO. 16-208 hereby passes the House on First and Final Reading. Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I realized that the vote has passed already but I just wanted to ask if the committee had also considered just the fact there is a deadline by which these nurses would have to be employed and it expires at the end of this year, is that something that had been considered by the committee? I know that this bill has been advocated for very strongly by the nursing students on island and that it has a lot of support but I am not sure if anybody looked at the deadline.

Speaker Arnold Palacios: Committee Chair, Representative Ralph Torres, recognized.

Representative Ralph Torres: What we discussed with the – I think the biggest concern the private clinics have now is that they want to hire these students that are graduating and they are not allowed to. So I believe that those students that have graduated will have no problems finding a job here in the CNMI. So this bill that have just passed will I guess supercede the deadline for them being employed by December.

Speaker Arnold Palacios: Representative Salas, recognized.

Representative Salas: I do not think that there will be a problem. I think the problem is the two years experience limitation. They require that.

Speaker Arnold Palacios: That is what the legislation is addressing basically. Okay. So we will move on to the next piece of legislation. Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. A motion to pass on First and Final Reading H. B. NO. 16-188.

The motion was seconded.

H. B. NO. 16-188: TO MANDATE THE DEPARTMENT OF PUBLIC SAFETY TO REMOVE DEAD ANIMALS FROM PUBLIC HIGHWAYS AND ROADS AND THEREAFTER CONTACT THE MAYOR’S OFFICE FOR ITS PROPER DISPOSAL; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion is to pass on First and Final Reading H. B. NO. 16-188 and has been seconded, discussion on the motion? Floor Leader, recognized.

Floor Leader Camacho: Mr. Speaker, just for clarification after discussing with the Legal Counsel. I would like to make an oral floor amendment.

Speaker Arnold Palacios: Please proceed.

Floor Leader Camacho: On page 2, line 7, where it starts “The Department of Public Safety (DPS) shall immediately inform the Office of the Mayor of the location of the carcass for its proper removal and disposal by the Office of the Mayor” – basically the same sentence to be inserted on page 2, line 16, after the word “traffic” to insert the language of “The Department of Public Safety (DPS) shall immediately inform the Office of the Mayor of the location of the carcass for its proper removal and disposal by the Office of the Mayor” - to clarify that and put that into the statute.

The motion was seconded.

Speaker Arnold Palacios: Is everyone cleared with the amendment offered by the Floor Leader? Floor Leader, can you repeat that?

Floor Leader Camacho: In part because it was placed only on one part of the section and it was not placed on the other and it would make it seem like DPS did not have to inform the Mayor that is why we are taking that same language and again inserting into the second part.

Speaker Arnold Palacios: Okay, the amendment motion is on page 2, line 16 after the word “traffic” insert “The Department of Public Safety (DPS) shall immediately inform the Office of the Mayor of the location of the carcass for its proper removal and disposal by the Office of the Mayor” – the motion has been seconded. Discussion on the motion?

There being no discussion on the floor amendment offered by the Floor Leader was adopted by voice vote.

Speaker Arnold Palacios: We are back to the main motion of H. B. NO. 16-188, HD1. Ready. Clerk please call the roll.

The Clerk called the roll on the motion to H. B. NO. 16-188, HD1 on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	yes
Representative Christina M. Sablan	yes
Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of nineteen yes, H. B. NO. 16-188, HD1 hereby passes the House on First and Final Reading. The Chair will take a short recess, I would like to see in my Chamber Representatives Babauta and Benavente and the Vice Speaker.

The House recessed at 11:11 a.m.

RECESS

The House reconvened at 11:23 a.m.

Speaker Arnold Palacios: We are back to plenary session. If there is no objection to go back to Senate Communications to take up the issue Sen. Comm. 16-154 referencing H. B. NO. 16-220, HS1, SD1.

There was no objection raised on the floor to revert back to Senate Communications.

SENATE COMMUNICATIONS

SEN. COMM. 16-154: (5/11/09) Returning H. B. NO. 16-220, HS1 (Runoff Election Procedures), which was passed by the Senate with amendments on May 18, 2009, in the form of H. B. NO. 16-220, HS1, SD1. [*For action on Senate amendments*]

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. In order to facilitate further discussions on this issue I would like to make a motion to suspend our House Rules in order to discuss and place on the Bill Calendar H. B. NO. 16-220, HS1, SD1, in reference of Senate Communication 16-154 a motion to suspend House Rule section XII.

The motion was seconded.

Speaker Arnold Palacios: The motion is for the suspension of House Rules section XII and has been seconded. Discussion on the motion. Representative Sablan, recognized.

Representative Sablan: I am bit confused – did we not a couple of hours ago agree to leave this on the Agenda for a while and not act on it yet?

Speaker Arnold Palacios: Well, if you recall I also tasked – we left it on the Agenda and we did not act on it and the Vice Speaker took it upon himself to get out of the session and meet with the Election Commission and also with the Senate to come up – and our Senate counterparts agreed to it. So he is going to offer some amendments. In order to do that we have to suspend our own Rules. So the motion is for the suspension of Rules. Ready.

There being no further discussion the motion to suspend House Rules Section XII was carried by voice vote.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. In order to take up this issue – a motion to place H. B. NO. 16-220, HS1, SD1 on the Bill Calendar.

The motion was seconded.

Speaker Arnold Palacios: The motion is for placement of H. B. NO. 16-220, HS1, SD1 on the Bill Calendar for discussion. Ready.

The motion to place H. B. NO. 16-220, HS1, SD1 onto the Bill Calendar was carried by voice vote.

BILL CALENDAR

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: I believe we are back on the Bill Calendar.

Speaker Arnold Palacios: Yes.

Floor Leader Camacho: A motion to pass on First and Final Reading H. B. NO. 16-220, HS1, SD1.

The motion was seconded.

H. B. NO. 16-220, HS1, SD1: TO AMEND THE NORTHERN MARIANA ISLANDS ELECTION LAW TO PROVIDE FOR RUNOFF ELECTION PROCEDURES AND TO ALLOW FOR THE COUNTING OF ABSENTEE BALLOTS ON ELECTION DAY; AND FOR OTHER PURPOSES.

Speaker Arnold Palacios: The motion is for the passage on First and Final Reading H. B. NO. 16-220, HS1, SD1, discussion on the motion. Vice Speaker, recognized.

Representative Deleon Guerrero: Thank you, Mr. Speaker. I now would like to offer a floor amendment copies have been passed out. If there are any questions I can answer. Thank you.

Speaker Arnold Palacios: Vice Speaker, can you please read the amendment?

Representative Deleon Guerrero: It is to add an addition subsection (e) on Section 6509 the Run-off Election for Governor and Lieutenant Governor. Subsection (e) would state “To be counted – an absentee ballot shall be postmarked not later than the date of the run-off election and be received by the Commission not later than fourteen days after the date of the run-off election”.

The motion was seconded.

Speaker Arnold Palacios: The amendment motion has been seconded, discussion on the motion? Representative Sablan, recognized.

Representative Sablan: Thank you. I just wanted to request the Vice Speaker to further clarify what problem this amendment would correct on the bill?

Speaker Arnold Palacios: Please proceed Vice Speaker.

Representative Deleon Guerrero: Certainly. I think the best way to clarify this would be to give you a timeline. The problem is that the amendment on page 2, Section 6213 shortening the election process by allowing the Election Commission to send out ballots ahead of time so that ballots can be counted on the General Election Day also applies to the Run-Off Election. So now here is the scenario – for this year let us say the General Election is held on the 7th of November, and the Election Commission certifies the results of the General Election – say two days after, on the 9th of

November. The initiative that was passed says that fourteen days after the Election Commission certifies the results of the General Election you will have a Run-Off Election. So they certify – let us say the Election is on the 7th, they certify on the 9th – fourteen days let us say on the 22nd of November you have the Run-Off Election. Now it requires that after we know who are the top two candidates on the 9th ballots would have to be printed and sent off-island to the absentee voters – sent out and back and have to be counted on the Run-Off Election Day – what this amendment does is allow an additional two weeks after the Run-off Election Day for ballots to be able to come in and be counted fourteen days after the Run-Off Election Day. So if we do not do this potential off-island voters, especially in the mainland would not be granted the time or be allowed the time to be able to get their ballots in and counted and potentially we could have a lawsuit. A citizen could say – you have not given me my constitutional rights to have my votes counted. So to prevent that from happening we are going to grant them an additional fourteen days from the Run-off Election. That is all that this does.

Speaker Arnold Palacios: Ready. Representative Ralph Torres, recognized.

Representative Ralph Torres: I just want to ask a question to the author if I may. The Run-off Election happens fourteen days after?

Representative Deleon Guerrero: The certification.

Representative Ralph Torres: So then when does the actual Election happen after the General Election?

Speaker Arnold Palacios: Vice Speaker, proceed.

Representative Deleon Guerrero: The initiative and also this bill – this bill follows the initiative on page 4, Section 6509 Run-off Elections for Governor and Lieutenant Governor starting on line 6, “there shall be a Run-off Election fourteen days after the Election Commission had certified the results of the General Election”. So if it takes one day or two days after the General Election for the Election Commission to certify the results then count fourteen days from that is when the Run-off Election will be.

Representative Ralph Torres: The only reason why I mentioned that is that the concern of the actual mailing out again the Run-off Election to absentee ballots is that enough time for voters to receive the absentee ballots to get it notarized and obviously send it back. That is my concern.

Representative Deleon Guerrero: To answer that – yes, theoretically the General Election happens on the 7th, the counting starts at midnight – theoretically the Election Commission could have the results within a day. What they will be doing is once they have the results they are going to start initiating the printing of the absentee ballots and then certify it and send it out. So the clock starts ticking after certification. They cannot send out the ballots until they have certified the election results. So the clock starts ticking after they certify it, and then fourteen days for it to go out and fourteen days basically to come back, which is enough time in the opinion of the Election Commission for people to receive their ballots and send it back.

Speaker Arnold Palacios: Representative Reyes, recognized.

Representative Reyes: If I may, just to clarify fourteen days to send it out and fourteen days coming back, am I correct on that for the Run-Off?

Representative Deleon Guerrero: Yes.

Representative Reyes: Okay. I am just concern, Mr. Speaker the troops that are serving in the Middle East, I know of one. On the last election my son was there and going through APO it takes time and I am just concern whether that would be an adequate time that is all.

Speaker Arnold Palacios: Representative Hocog, recognized.

Representative Hocog: I am a little bit puzzled about this Run-off Election certification for the top two candidates. On the General Election all absentee ballots must be in on Election Day, and what grace period for those ballots that argument additional days before they can be accepted by the Commission and counted. And in the event that there is a very small margin and opportunity that the third candidate is very close to the second candidate that would have change the results for the Run-off Election, how can that be certified to move into the Run-off Election and the two top candidates?

Speaker Arnold Palacios: Vice Speaker.

Representative Deleon Guerrero: Thank you, Mr. Speaker. If the concern is that whether off-island voters would be granted ample time to receive their ballots and send their ballots in for the General Election – is that the concern?

Representative Hocog: My concern is the time frame for certification on the two top candidates to meet the Run-off Election. What if in the General Election there is, too close to comfort that the number three could have change the number two for the Run-off, how would the Commission determine the certification? And then the Run-off – after the election we are saying two days after the General Election that the ballots will start going out for the Run-off Election.

Representative Deleon Guerrero: I am sorry I need to clarify. What I said was that the ballots will only go out for the Run-off Election after the ballots are certified by the Election Commission. I just used an example that normally could take a day or two days, but there is nothing written on stone. If it takes them three days because of challenges or whatever there is nothing that says that the Election Commission shall certify it within two days after the General Election. I do not think that there is anything in the code that---

Representative Hocog: The present Election Law allows fourteen days after the General Election for all votes to be in the Commission and be counted. That is fourteen days after the General Election in order for the Commission to certify the winning candidate. Now, fourteen days on the General Election for the Commission to certify the top two candidates that means that after the fourteen days and a candidate has been certified that the fourteen days will start kicking in after that certification. I just want to make that clarity.

Speaker Arnold Palacios: You are right.

Representative Hocog: Okay. Thank you.

Speaker Arnold Palacios: Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker. I understand the intent of the amendment that we are considering, but I wanted to ask if it would be necessary then to also amend Section 6213 just so that there will not be any confusion between the provisions. So section 6213 on page 2 says, “to be counted an absentee ballot shall be received not later than the date of the Election” and then the language obviously is different in Section 6509, but just for the sake of clarification, perhaps, something along the lines of “accept as provided in sections Section 6509 to be counted an absentee ballot shall be received not later than the date of the Election”, that is one suggestion. Second, if the Election Commission have had any comments on the actual Senate amendments since it appears we are going to act on this today, but to also allow people who did not vote in the initial General Election to vote in the Run-off Election and if that is something that would create any undue hardship that perhaps we should be aware of for the Election office if they might potentially be asked for many more ballots for the Run-off election purposes in this amendment that we are considering if they would have enough time to distribute even more ballots potentially than they did in the General Election. Third, on Section 6509, subsection (c) we were requiring the Election Commission to distribute ballots at least seven days before the date of the Run-off Election and again I would like to ask if we are giving absentee voters enough time – the Election Commission has up to seven days before the date and that is to actually get there to the voters wherever they might be in the world, but the absent ballots must be postmarked not later than the date of the Run-off Election. I can imagine that people would be receiving their absentee ballots under these deadlines later than the date of the Run-off Election if the Commission has only seven days – they only have to distribute those starting seven days before the Election – if that makes any sense.

Speaker Arnold Palacios: Let me remind you, Representative Sablan, you made all these other recommendations we are on the amendment so perhaps we will consider all your other recommendations after we dispose of the amendments that has been proposed, but I am just making that. I recognize, Representative Babauta.

Representative Babauta: Thank you, Mr. Speaker. Mr. Speaker, Section 6213, purports, the way it is now, as amended, eliminates the fourteen-day period on the initial counting of the General Election, which is on November 7. Therefore, any ballot that is received after the Election Day would not be counted, and that is clear, so what the fourteen-day period that the Vice Speaker authored is moved from the General Election to the Run-off Election. So only the Run-off Election is given the fourteen-day period. So anyone that voted absentee assuming that you cast your vote you postmark it, November 7 and that ballot came in November 9, then that ballot is not counted, only those ballots that were received by the Election Commission on Election Day will be counted pursuant to this Section. So that is cleared, Mr. Speaker. The fourteen-day rule is applicable to the Run-off Election.

Speaker Arnold Palacios: Is that clear? Vice Speaker, recognized.

Representative Deleon Guerrero: That is clear, and if I may just further clarify that. It removes the fourteen day from the General Election, but it also increases the time that the Election Commission shall send out the ballots. Before, it used to be sixty days before the Election, now we are saying you send it out seventy-five days before the Election to grant these people enough time to get their ballots in by the General Election Day. Thank you.

Speaker Arnold Palacios: Alright. Representative Benavente, recognized.

Representative Benavente: Mr. Speaker, I think we all should understand that there is a lot of time sensitive issue for this particular election to include a transition period in which a new Administration come in, but because of what I would consider an error on our part during the process of the legislative initiative requiring the Run-off by not recognizing the need to hold this actually the General Election becoming more like a Primary Election like other jurisdictions that has the same election law, which is something that I feel we have to do in the future to avoid all of this time sensitive issues that we are faced with right now. The constitution still requires the first Saturday of November as the General Election and so we have had to work with that – this particular statute has to live with that. In other jurisdictions that so called General or Primary is actually held sometime in September and a Run-off becomes more like a General in the November election. So I think that to comply with this constitutional requirement of Run-off we are having to enact or propose this legislation we are going to have to live with this time sensitive issues right now, but I hope that for the next General Election we make all the necessary amendments to include the constitutional requirement for the new Administration taking over in the second Monday of January because there is experience in other jurisdictions where the first Run-off did not meet the fifty plus one and so a second Run-off and the third Run-off and that might actually carry into January sometime. So that is actually, I think would need to be considered after this particular election and put that to the people to vote to amend the constitution to allow that to happen. I think this is something we are going to have to follow and agree to because we have to comply with the constitutional requirements of the fifty plus one and therefore live with what we have right now. Thank you.

Speaker Arnold Palacios: Thank you. Let me recognize Representative Yumul.

Representative Yumul: Thank you, Mr. Speaker. This is in regards to Section 6202 on page 3, I just wanted to get a clarification here that I understand this clearly. Starting on line 20, the Commission shall remove the name of a registered voter from the register in the following places...

Speaker Arnold Palacios: Representative Yumul, we are discussing the amendments.

Representative Yumul: I am sorry I will – ready for that question.

Speaker Arnold Palacios: Okay. Representative Sablan is going to comment for the last time on the amendment only.

Representative Sablan: And just briefly, I support the amendment and because there are other sections that now it appears we might have to amend just so that we do not I guess deprive anybody of their right to participate in a Run-off election I would like to ask that we not vote on the bill today.

Speaker Arnold Palacios: We can discuss that when we go into the main bill.

Representative Sablan: Okay.

Speaker Arnold Palacios: Alright. On the amendment, ready for the question.

The motion to adopt the floor amendments offered by Vice Speaker Deleon Guerrero was carried by voice vote.

Speaker Arnold Palacios: We are back to the main motion on H. B. NO. 16-220, HS1, SD1, HD1. I now recognize Representative Yumul.

Representative Yumul: Going back to my earlier comment on page 3, line 19 down Section 6206 the removal of the names from the register I want to understand this clearly that basically if a person did not vote in the preceding General Election this amendment provides that a failure to vote in the upcoming General Election will not preclude the person from participating in the Run-off election, but then starting on line 25, says, “a person who votes in a Run-off election shall remain a registered vote for purposes of voting in the next General Election” so I am concerned that if a promulgation of rules is to be put into effect by the Election Commission that they say, well although you are not precluded or removed from the list we will not send you an absentee ballot unless we know you still intend to vote. Again there might be a trigger - an mechanism that might have to be promulgated if it is not spelled out here. Because if it is not spelled out here will then the Election Commission automatically send a Run-off ballot to a person who did not receive a ballot from the General Election.

Representative Benavente: Point of information, Mr. Speaker.

Speaker Arnold Palacios: State your point, Representative Benavente.

Representative Benavente: Actually, this particular provision is pretty clear. There is an existing law right now that removes your name if you do not vote in the General Election. What this provision does is that it treats the Run-off as if it were a General Election by saying, that even if you did not vote in the General Election and you voted in the Run-off your name would not be removed. So I think this provision clear.

Representative Yumul: That is why I want to make it clear that if the Election Commission on the day of the General Election or at the plus fourteen-days did not receive an absentee ballot will they then automatically send to that same voter.

Speaker Arnold Palacios: Yes, that is what that means.

Representative Yumul: Okay, I just wanted to make sure that is the why I understand it. Thank you.

Speaker Arnold Palacios: Floor Leader, recognized.

Floor Leader Camacho: Thank you, Mr. Speaker. Not so much in particular to this statute, but something for the members to consider that in order to avoid some of this constitutional violations or entanglements for the body to consider if we can have a mandatory Primary for the Gubernatorial candidates maybe a month before the General Election.

Speaker Arnold Palacios: Certainly, I think that is what Representative Benavente was alluding to and probably we have look into our Election law or perhaps a constitutional amendment for elections.

Floor Leader Camacho: No, in regards to the General Election we can still keep it as the first Saturday of November, but have the Gubernatorial candidates have a Primary, I know for yourself,

Mr. Speaker, there might be two Primaries in a couple of months apart that might not be feasible, but the idea is that the two top candidates...

Speaker Arnold Palacios: Are you trying to allude to something...

Floor Leader Camacho: No, not at all (laughter) but something to consider it as a statute. We can have a mandatory Primary and then still use the as a General Election.

Speaker Arnold Palacios: Like I said, those recommendations are very similar to what Representative Benavente was recommending. Representative Babauta, recognized (*End of Tape 1, Side b*)

(*Start of Tape 2, Side A*)

Representative Babauta: We can just renumber the lettering and move item (d) to the last.

Speaker Arnold Palacios: So renumber it accordingly.

Representative Babauta: Right. Maybe we can renumber (e) to (c) and renumber accordingly so it would be consistent going down. Because the last paragraph says, promulgation of Rules and regulations.

Speaker Arnold Palacios: Let me take a short recess.

The House recessed at 11:50 a.m.

RECESS

The House reconvened at 2:36 p.m.

Speaker Arnold Palacios: We are back to plenary session. Before we went on recess we were discussing H. B. NO. 16-220, HS1, SD1, HD1. Are there anymore discussions? Representative Babauta, recognized.

Representative Babauta: Mr. Speaker, as recommended earlier and without objections from the members just for consistency purposes that maybe we will consider this and a motion to allow for a renumbering of the Vice Speaker's amendment to letter (d) shall become letter (e).

The motion was seconded.

Speaker Arnold Palacios: There is a motion on the floor for a renumbering of the bill to incorporate the previous amendments. Ready.

There being no further discussion the motion to adopt the floor amendment offered by Representative Babauta was carried by voice vote.

Speaker Arnold Palacios: Representative Apatang, recognized.

Representative Apatang: Thank you. On page 4, line 12, after “the candidates will receive” strikeout “the majority of those” and insert “more than half of votes cast and counted”, to be specific.

The motion was second.

Speaker Arnold Palacios: The amendment offered by Representative Apatang has been seconded, discussion on the motion. Ready.

The motion to adopt the floor amendment offered by Representative Apatang was carried by voice vote.

Speaker Arnold Palacios: Representative Raymond Palacios, recognized.

Representative Raymond Palacios: Thank you, Mr. Speaker. I just need some clarification from the Vice Speaker. We were mentioning earlier regarding page 3, line 22 number 7, I just need more clarification. A concern was brought up by Representative Reyes regarding if you are still seventeen then you are not eligible to vote, but let us say you did register after that – I need a clarification from the Vice Speaker because according to the Vice Speaker that said that yes you are eligible to vote in the Run-off even though you are not eligible to vote in the General Election.

Representative Benavente: Clarification, Mr. Speaker.

Speaker Arnold Palacios: Representative Benavente, recognized.

Representative Benavente: It does not say ineligible, it just says that those who are eligible to vote in the General Election who for whatever reason failed to vote in the General Election shall still be qualified to vote in the Run-off. So it is not a matter of ineligibility to vote it is just whether or not you voted. If you are already eligible and if you are off-island or for whatever reason you did not vote you will be allowed to vote in the Run-off election.

Speaker Arnold Palacios: Representative Raymond Palacios, you still have the floor.

Representative Raymond Palacios: Yes, but I just need information from the author because he did mentioned that, yes, you can vote in the Run-off even though you did not vote in the General Election, but according to the language here I believe it says that related to that General Election, so it means if you were not a registered voter and you were not qualified to vote because you were not eighteen years of age yet on that particular General Election, then that eliminates you from the Run-off Election as well.

Speaker Arnold Palacios: I think we understand what the question is. The question is, if you become eighteen and become eligible to vote after the General Election and you run up to the Election Commission on the 8th of November, are you going to be eligible to vote in the Run-off? Representative Babauta, recognized.

Representative Babauta: Let me clarify that to my colleague, Mr. Speaker. The registration for the eligibility to vote is a separate provision of the Election Act. So you still have to comply with the eligibility whether you are eighteen for the Election Day – the General Election, but that does mean that you can register after the General Election. That is prohibited. Okay.

Speaker Arnold Palacios: Yes. The deadline for registration whether you are already eligible – if you do not register before that date that means you are not eligible to vote.

Representative Babauta: Yes, you are correct.

Speaker Arnold Palacios: Clarified, Representative Raymond Palacios?

Representative Raymond Palacios: Okay.

Speaker Arnold Palacios: Representative Hocog, do you have any questions – we are on the main motion.

Representative Hocog: I do not have any real question, but I do have concerns on the timing of the Run-off Election and I do not know how we can put a good answer to that other than to take the statements made by Representative Benavente that we just have to deal with the time, but I foresee that even if we do pass this legislation I will bet that we are going to end up in a Judiciary review of those ballots that did not make it on a very minimal timeframe for the Election Commission to have their ballots counted. I do not know, in the best interest of all candidates running for this year's General Election, how do you guys feel about this? I was contemplating, Mr. Speaker, of putting an amendment to the bill, but I do not know how the members would feel. This is just to propose the General/Primary Election probably to be held sixty days before the General Election.

Speaker Arnold Palacios: Legal Counsel, would that be possible for this General Election?

Legal Counsel Villagomez: No, because the Run-off Election is provided for by the Constitution. The legislative initiative change the constitution and requires a Run-off Election fourteen days after the General Election results have been certified. So it would have to first amend the constitution again in order to have a Primary.

Speaker Arnold Palacios: Okay. Are there any further discussions?

Representative Hocog: Other than that, Mr. Speaker, I so move for the previous question.

Speaker Arnold Palacios: Let me recognize, Representative Babauta.

Representative Babauta: I see this as going to be disassociation and the one that the Governor had just signed, Public Law 16-38 would have a very not severe, but a very good fiscal impact. So I recommend to the Committee on Ways and Means to think about this legislation and please help the Commonwealth Health Center (CHC) with their financial needs because in essence this would bring about a lot of requests for additional funds. And my vote is yes.

Speaker Arnold Palacios: Okay. Floor Leader, recognized.

Floor Leader Camacho: I do not know if we want to take this up at this time or not, since we have the bill in front of us we should consider if we should include here a mechanism. What I have in mind is for the number 2, and number 3 candidates if they should have an election protest and that would actually delay the certification if we should make a decision that there is a presumption that the number 2 Gubernatorial candidate and the number 1 should proceed forward with the Run-off as the election protest whine its way through the court and what not. Because if there is an election –

obviously, we are under time constraints but if upon certification if there is a person who wants to bring an election protest that has to be filed in court and has to proceed accordingly, but until that issue is resolved the absentee ballots may not be able to be sent out or actually any ballots may not be sent out, but should we include in this present bill that there is a presumption that upon certification of the number 1 and the number 2 candidates that they can proceed forward with the election and allow the election protest to proceed. I do not know I am just – that is something that we have to struggle with. Because if you have an election protest that would hold everything until that issue is resolved – but should we presume that once the certification of number 1 and number 2 by the Election Commission that they should move forward despite the election protest.

Speaker Arnold Palacios: Representative Hocog, recognized.

Representative Hocog: Mr. Speaker, I do not know whether the Election Commission in their right mind will certify a candidate to pursue the Run-off Election should there be a protest on the General Election. And it is kind of difficult to say that these people will pursue the Run-off Election when there is an impending lawsuit for protest.

Floor Leader Camacho: Point of clarification, Mr. Speaker.

Speaker Arnold Palacios: State you point, Floor Leader.

Floor Leader Camacho: In order to proceed with an election protest you must get the certification first that is the only time you can – once they say whatever number 1 and number 2 then only then you can bring the election protest. So the certification triggers the timeframe for you to bring the lawsuit, with all due respect to my colleague.

Representative Babauta: Point of information, Mr. Speaker.

Speaker Arnold Palacios: State your point, Representative Babauta.

Representative Babauta: I guess, Mr. Speaker, I do not know if the Floor Leader was correct in citing the certification process, but there was a recent case that was established in the mid-term election like in my case with Manny “Brown” Tenorio. We were not certified when the protest was launched and that protest was brought to court, I became the number 3 candidate – and I guess the Floor Leader was alluding to that kind of case where once the absentees were counted the number 3 became the number 1.

Floor Leader Camacho: Additional point of clarification, Mr. Speaker. I think you are talking about the automatic recount, which is different from the election protest.

Speaker Arnold Palacios: Representative Hocog, you still have the floor.

Representative Hocog: Thank you, Mr. Speaker for recognizing that I still have the floor – I yield now.

(Laughter)

Speaker Arnold Palacios: Thank you. Representative Benavente, recognized.

Representative Benavente: I know that this is something that the Floor Leader had suggested that maybe we should consider, but the problem with that I see is that what happens if protest should be successful and then it throws the monkey wrench into this whole problem – I think we might be creating more problems by doing that. It could possibly be moving forward but it could also possibly create more problems.

Speaker Arnold Palacios: I think that is very consistent what Representative Hocog was saying that it would be imprudent of the Election Commission to proceed with a Run-off Election knowing full well that there is a litigation or the election is being contested in court. So I am not sure whether we want to put that in the bill, but it is on record. Representative Sablan, recognized.

Representative Sablan: Thank you, Mr. Speaker and I am coming into this discussion a bit late but I just wanted to point out that in the event that we do not have a Governor and a Lieutenant Governor certified on the date of the Inauguration there is also in the Constitution provisions that allows for the presiding officers of the Legislature to fill-in that vacancy if there is a vacancy for whatever reasons and so I feel like we are just dwelling on a potential scenario that we really do not have to worry about at this point. Thank you.

Speaker Arnold Palacios: Thank you. Are we ready for the question? You still have the floor Representative Sablan.

Representative Sablan: Again, I have just come from my court hearing but I understand that there may have been other amendments made to this bill. Could I just request a short recess to be briefed on these amendments?

Speaker Arnold Palacios: Short recess.

The House recessed at 2:52 p.m.

RECESS

The House reconvened at 2:53 p.m.

Speaker Arnold Palacios: Clerk, please call the roll.

The Clerk called the roll on the motion to H. B. NO. 16-220, HS1, SD1, HD3 on First and Final Reading.

Representative Edwin P. Aldan	yes
Representative David M. Apatang	yes
Representative Oscar M. Babauta	yes
Representative Diego T. Benavente	yes
Representative Joseph N. Camacho	yes
Representative Francisco S. Dela Cruz	yes
Representative Joseph P. Deleon Guerrero	yes
Representative Victor B. Hocog	yes
Representative Heinz S. Hofschneider	absent (excused)
Representative Raymond D. Palacios	yes
Representative Justo S. Quitugua	yes
Representative Joseph C. Reyes	absent (during voting)
Representative Christina M. Sablan	yes

Representative Edward T. Salas	yes
Representative Rosemond B. Santos	yes
Representative Ramon A. Tebuteb	yes
Representative Ralph DLG. Torres	yes
Representative Stanley T. McGinnis Torres	yes
Representative Ray N. Yumul	yes
Speaker Arnold I. Palacios	yes

Speaker Arnold Palacios: By a vote of eighteen yes, H. B. NO. 16-220, HS1, SD1, HD3 hereby passes the House on First and Final Reading. Can we adjourn?

Floor Leader Camacho: Mr. Speaker, pursuant to your instructions, a motion to adjourn subject to your call.

The motion was seconded.

MISCELLANEOUS BUSINESS

Speaker Arnold Palacios: Before I recognize the motion for adjournment, let me recognize Representative Stanley Torres for a short miscellaneous statement.

Representative Stanley Torres: Thank you, Mr. Speaker. If I am not mistaken in the last session May 12 or May 19, a letter from the Governor regarding the Friends of the Monument issue, did you assign that or are we going to consider that letter from the Governor?

Speaker Arnold Palacios: Which is that?

Representative Stanley Torres: I believe that it is Gov. Comm. 16-378.

Speaker Arnold Palacios: The letter to Representative Sablan?

Representative Stanley Torres: Yes.

Speaker Arnold Palacios: Let me answer that. I had a meeting with the Governor and Congressman Sablan and the Senate President and as well as the Lieutenant Governor. One of the issues that was brought up was this particular issue relative to Congressman Sablan's withdrawal of his submerge lands legislation which he introduced on the floor of Congress. I think the communication from the Governor is relevant to that specific legislation. So the discussion yesterday, Congressman Sablan assured us that it had nothing to do with that letter, that his withdrawal of that is just to make sure that if indeed we are granted the three miles to make sure that there is no void in management over those territorial waters or that there is no conflict in provision of the proclamation versus the three mile jurisdiction that we will have – and that is the only reason why he withdrew it. He also indicated that it is kind of late for him to put it into any of legislations that was being marked up in the Natural Resources cycle. And he will wait for the next cycle of bills within the Committee on Natural Resources and find a vehicle to make his piece of legislation a rider on and that it had nothing to do with the Friends of the Monument letter. Representative Banavente, recognized.

Representative Benavente: Thank you, Mr. Speaker. I do not mean to debate, I just would like to provide further after learning of the decision by Congressman Sablan to recall his legislation so that he could review whether there would be possible conflict with the monument given that the

President's proclamation is actually zero to fifty nautical miles which then would include the three miles that we have been fighting for as our position is that we should be given at least that having the same rights as any other state or territory under the United States. And if you remember during our discussion with the team that came from the Federal Government that is one of the issues that I had raised. And I would probably be calling on our Committee on Federal and Foreign Relations and maybe even a joint meeting with the Committee on Natural Resources to discuss this further because personally, I would like to continue to fight for that right that even the three miles of zero to three on the three Northernmost islands be designated as belonging to the CNMI. It would be fine if that as we agreed already be included in the monument as zero to fifty, but at least that designation that all coastal waters of CNMI islands up to zero to three belongs to the CNMI. And so I think that we as a body need to come together for a position on this matter and send it off to Congressman Sablan so that legislation that he would introduce in the future would have something on that matter that would take that into consideration if we should take the position that we want to make sure that he does not remove the three Northernmost islands just because it is part of the monument. So I would like to suggest to the members that you let your position known to you, Mr. Speaker, or the Chairman on Natural Resources and I guess even myself as Chairman of Federal and Foreign Relations to maybe consider this in some upcoming meetings. Thank you.

Speaker Arnold Palacios: Thank you. Certainly, we can even have a meeting or in one of our session we will bring this up and certainly, you as Chairman of FFR or the Chairman on NR, Representative Tebuteb may indeed put together a resolution to that effect if that would be the vehicle to communicate this to our Congressman, certainly. But I hope that I answered that question by Representative Torres. Representative Hocog, recognized.

Representative Hocog: Yes, prior to adjournment, Mr. Speaker I would like to go back to Item 4, if there is no objection from the members, I forgot to introduce a resolution. I would just like to introduce it.

There was no objection raised on the floor to revert back to Item 4 Introduction of Resolutions.

INTRODUCTION OF RESOLUTIONS

Speaker Arnold Palacios: We are back to Item 4, Introduction of Resolutions, I recognize Representative Hocog.

Representative Hocog: Mr. Speaker, a House Resolution to request the Department of Public Lands to designate the 30 hectares of public land on Tinian, 30 hectares of public land on Rota, and 10 more hectares for Saipan as Free Trade Zone provided under Public Law 12-20 to be given a fee simple interest to the respective municipality. Thank you.

H. R. No. 16-91:

Speaker Arnold Palacios: Thank you. Let me order that – that resolution will be put onto the next session's Agenda. Floor Leader, motion to adjourn.

ANNOUNCEMENT

NONE

ADJOURNMENT

Floor Leader Joseph N. Camacho moved to adjourn subject to the call of the Chair; it was seconded and carried by voice vote.

The House adjourned at 3:05 p.m., subject to the Call of the Chair.

Respectfully submitted,

Linda B. Muña Journal Clerk
House of Representatives

APPEARANCE OF LOCAL BILLS

FIRST APPEARANCE: 1st Legislative appearance of a local bill is on the day it is introduced.

SECOND APPEARANCE: NONE

THIRD APPEARANCE: NONE